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7 HSBC MORTGAGE CORPORATION (USA) AND
HSBC BANK USA, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Philip Wong, Frederic Chaussy, and Leslie Marie Shearn, individually, on behalf of all others similarly situated, and on behalf of the general public,

14 Plaintiffs,

15

16 HSBC Mortgage Corporation (USA);
HSBC
17 Bank USA, N.A.; and DOES 1 through 50,
inclusive.

Defendants.

Case No. C 07 2446 MMC [ECF]

**DECLARATION OF MICHELLE KIM IN
SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION
FOR CONDITIONAL CERTIFICATION,
PRODUCTION OF UPDATED CLASS
LIST, AND PARTIAL SUMMARY
JUDGMENT**

Date: February 8, 2008
Time: 9:00 a.m.
Courtroom: 7 (19th Floor)
Judge: Hon. Maxine M. Chesney

Complaint Filed: June 29, 2007 (Amended)
Trial Date: Not Yet Set

1 I, Michelle Kim, hereby declare and state:

2 1. I have personal knowledge of the facts set forth below. If called as a witness,
 3 I could and would testify to the following:

4 2. I am a senior retail mortgage lending consultant employed by HSBC
 5 Mortgage Corporation USA ("HSBC Mortgage"). My employer's name "HSBC Mortgage
 6 Corporation USA" appears on my work-related documents, including my business cards. I have
 7 worked for HSBC Mortgage as a lending consultant since January 9, 2006.

8 3. HSBC Mortgage USA sells mortgages. My job duties include servicing
 9 clients, giving clients advice regarding the best solution for their mortgage needs, and making
 10 mortgage sales for HSBC Mortgage. I essentially provide one-stop servicing for customers
 11 interested in a new mortgage or refinancing.

12 4. I get most of my clients through referrals. Some of my referrals come from
 13 various branches of HSBC Bank USA ("HSBC Bank"), which is both a client and a business partner
 14 of HSBC Mortgage. I am assigned to receive referrals from four HSBC Bank branches. I get calls
 15 from HSBC Bank branches in Los Angeles, Beverly Hills, Pasadena and Torrance when a client
 16 expresses interest in a mortgage. When I receive such a call, I make arrangements to meet with the
 17 client at a location convenient for him or her. If I meet with a client at a bank branch, I sit in a
 18 conference room, office or cubicle that has a sign posted right above the entrance that says "HSBC
 19 Mortgage Corporation USA." HSBC Mortgage leases this space from HSBC Bank for HSBC
 20 Mortgage lending consultants.

21 5. I also get clients through referrals from other sources, such as real estate
 22 agents. I sometimes attend trade show events for public relations purposes. At the events, I work to
 23 get the name of HSBC Mortgage out to potential clients and sometimes receive referrals as a result
 24 of these events.

25 6. I treat my job at HSBC Mortgage in an entrepreneurial fashion. I set my own
 26 goals with guidance from my manager. I have drafted my own business plan, which I am not
 27 required to do. My role as a senior retail mortgage lending consultant provides me with flexibility to
 28 ensure that I provide world class customer service and achieve my personal goals. I have chosen to

1 follow the plan and procedure that I follow because I believe it is the most effective way for me to be
2 a successful senior retail mortgage lending consultant.

3 7. When I meet with a client, I gather information from the client to determine
4 his or her short and long term goals and needs. Once I meet with a client, I do the analysis of the
5 client's financial situation and make the decision regarding which product would best meet the
6 client's needs. I am not controlled by any procedures on how I analyze the client's financial
7 situation, which mortgage product I decide best meets the client's needs, or how I sell that mortgage
8 product, so long as I follow the laws and regulations related to mortgage sales. Once I make these
9 decisions, I educate the client about the different products available to him or her and recommend
10 the product that I feel best fits his or her goal. I do not have to check with anyone or get anyone's
11 approval before I make the offer to the client.

12 8. I spend a lot of my time traveling. I am a sales consultant, so I constantly
13 need to meet new people. I like to build a lot of face time with my clients and my referral sources.
14 We do not have to follow any guidelines regarding where to meet clients. I make sure that I am
15 flexible and visit my clients at locations and times that are convenient for them.

16 I declare under penalty of perjury under the laws of the State of California and the
17 United States of America that the foregoing declaration is true and correct to the best of my personal
18 knowledge.

19 Executed this 18th day of January, 2008, in Los Angeles, California.

MICHELLE KIM